

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

XEZAKIA ROUSE,

Plaintiff,

v.

CV 10-1094 JAP/GBW

C.O. CRUZ,

Defendant.

ORDER DENYING PLAINTIFF'S MOTION TO QUASH

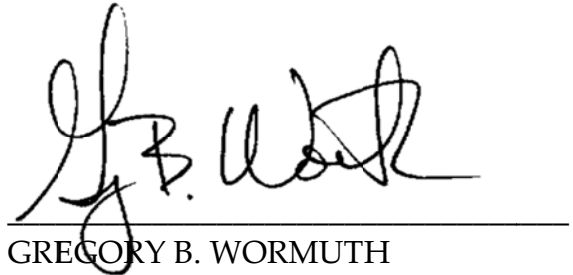
This matter comes before the Court on Plaintiff's "Motion Challenging Subpoena Request." *Doc. 82*. The Court construes this motion as a motion to quash the subpoena served by Defendant's counsel on Robert Stewart, a warden at the Western New Mexico Correctional Facility, requesting production of Plaintiff's mail logs for April and May 2012. *Doc. 86, Ex. 1*.

Plaintiff has requested to withdraw this motion because he mistakenly believed that Jeffrey Baker, the attorney who served the subpoena, no longer represented Defendant. *Doc. 89* at 1. Plaintiff voluntarily attached his mail logs to his request to withdrawal. *Id.* at 4-10.

Pursuant to District of New Mexico Local Civil Rule 7.7, "[a] party may withdraw a document from consideration by the Court by filing and serving a notice of withdrawal." D.N.M.L.R.-Civ. 7.7. "Withdrawal requires consent of all other parties or approval of the Court." *Id.* Because the Court construes pro se filings liberally, *Yang v.*

Archuleta, 525 F.3d 925, 927 n.1 (10th Cir. 2008), this Court treats Plaintiff's response requesting withdraw of the motion to quash, *doc. 89*, as a notice of withdrawal and approves it.

Wherefore, **IT IS HEREBY ORDERED** that Plaintiff's motion for to quash, *doc. 82*, is DENIED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH
UNITES STATES MAGISTRATE JUDGE